

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
LAFAYETTE DIVISION**

Lori Morrow, individually and as mother of	)	
Nolan Ganz, deceased, and	)	
David Ganz, Sr., individually and as father of	)	
Nolan Ganz, deceased,	)	
	)	
Plaintiffs,	)	Case No.:
	)	
vs.	)	
	)	JURY DEMAND
	)	
Kristie Johnson and Illiana Backyard Fun, Inc.,	)	
	)	
Defendants.	)	

**COMPLAINT AT LAW**

NOW COME, the Plaintiffs, Lori Morrow, individually and as mother of Nolan Ganz, deceased, and David Ganz, Sr., individually as and father of Nolan Ganz, deceased, complaining of the Defendants, Kristie Johnson and Illiana Backyard Fun, Inc., states as follows:

1. The Plaintiff, Lori Morrow, was at all times relevant hereto (and currently is) a resident of the State of Indiana. The Plaintiff, David Ganz, Sr., was at all times relevant hereto (and currently is) a resident of the State of Indiana. That Plaintiffs' Decedent, Nolan Ganz was (at all times relevant hereto) a resident of the State of Indiana. The Defendant, Illiana Backyard Fun, Inc., is a corporation organized under the laws of the State of Illinois with its principle place of business in Watseka, Illinois; and the Defendant, Kristie Johnson, is a resident of the State of Illinois. The amount in controversy exclusive of costs and interest exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00). Jurisdiction is just and proper in this court pursuant to 28 USC § 1332 wherein this is an action between citizens of different States and the amount in controversy exceeds the sum of Seventy-Five Thousand Dollars.

2. On and prior to February 3, 2021, U.S.41 N at a point approximately 50 North of County Road 1700 West was a much used and well-traveled public highway running in a generally northerly and southerly direction, and the said intersection and the said highways were located near Kentland in Newton County, Indiana.

3. At said place on February 3, 2021, the Plaintiffs' decedent, NOLAN GANZ, owned and was operating his vehicle in a northerly direction on U.S. 41 and he brought his said vehicle to a stop due to mechanical issues and activated his hazard warning lights which were flashing at the time of the occurrence in question.

4. At said time and place, the Defendant, Illiana Backyard Fun, Inc., by and through its agent and servant, the Defendant Kristie Johnson, and the Defendant, Kristie Johnson, individually, owned, operated, maintained and was operating a certain pick-up truck in a northerly directly on U.S. 41 near said intersection.

5. The Defendant, Illiana Backyard Fun, Inc., by and through its agent and servant, Defendant Kristie Johnson, and the Defendant, Kristie Johnson, individually, failed to observe Nolan Ganz's stopped vehicle in the left lane of traffic with its hazard lights activated and the defendants' said pick-up truck struck Nolan Ganz's vehicle with great force and violence, causing said Ganz vehicle to catch on fire while Nolan Ganz was trapped inside said vehicle.

6. At the time of the occurrence complained of herein the Defendant, Illiana Backyard Fun, Inc., by and through its agent and servant, the Defendant Kristie Johnson, and the Defendant, Kristie Johnson, individually, carelessly and negligently:

- a. operated said pick-up truck at a high and dangerous rate of speed, contrary to and in violation of I.C. § 9-21-5-5;
- b. failed to maintain control of said pick-up truck;
- c. failed to slow or stop pick-up truck when danger to others

became apparent;

- d. failed to equip said pick-up truck with good and sufficient brakes;
- e. failed to keep a proper look out;
- f. operated said pick-up truck in a manner which was calculated and designed to cause losses and injuries to others lawfully along and upon said roadway;
- g. carelessly and negligently caused said pick-up truck to switch lanes of travel when it was not reasonably safe to do so; and
- h. was otherwise careless and negligent.

7. As a direct and proximate result and in consequence of one or more of said wrongful acts of the Defendants, Illiana Backyard Fun, Inc. and Kristie Johnson, their said pick-up truck struck Nolan Ganz's stopped vehicle with great force and violence causing said Ganz vehicle to catch on fire, trapping Nolan Ganz inside his said vehicle; and thereby Nolan Ganz sustained injuries which resulted in his death on February 5, 2021, and in consequent of the death of their son, Nolan Ganz, Lori Morrow and David Ganz, Sr. have been required to expend large sums of money for the payment of hospital and other medical expenses related to the injuries sustained by Nolan Ganz in conjunction with the aforesaid collision; and they have incurred and become liable for funeral and other burial expenses in conjunction with the death of their son, Nolan Ganz; and they have suffered loss of their said child's services (including his love and companionship); and they have sustained substantial pecuniary loss (including but not limited to the loss of care, love and affection); and they have suffered and psychological, mental and emotional injuries as a result of the death of their son, NOLAN GANZ; and they have been or may become responsible for the uninsured debts of Nolan Ganz; and they have been or may

become responsible for the expenditure of various funds in conjunction with the administration of their said son's estate (including attorney fees in conjunction therewith.)

8. That the Plaintiff's decedent - born 9/23/01 – was 19 years old on the date of his death and he died without a spouse and without any children.

9. The Plaintiff, Lori Morrow, is the mother of Nolan Ganz.

10. The Plaintiff, David Ganz, Sr., is the father of Nolan Ganz.

11. That the Plaintiffs, LORI MORROW and David Ganz, Sr. bring this action pursuant to Indiana law, including (but not limited to) Indiana Code §34-23-2-1, *et seq.*, commonly known as the Indiana Child Wrongful Death Statute.

WHEREFORE, the Plaintiffs, Plaintiffs, Lori Morrow, individually and as mother of Nolan Ganz, deceased, and David Ganz, Sr., individually as and father of Nolan Ganz, deceased, ask judgment against the Defendants, Illiana Backyard Fun, Inc. and Kristie Johnson, in an amount in excess of FIVE MILLION DOLLARS (\$5,000,000), plus costs of this action.

Respectfully submitted,

  
/s/ I. Peter Polansky

I. Peter Polansky, #26698-49

  
/s/ Elizabeth A. Moore

Elizabeth A. Moore, #23138-64A

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